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PLEASE TAKE NOTICE that the Demand for a second deposition of Plaintiff's expert, Steven Lerman in the above action is rejected, subject to a formal motion for a Protective Order in accord with Federal Rule of Civil Procedure 26(b)(2)(C)(I) and subject to the Order of the Honorable Magistrate Fox of the USDC Southern District, in accord with:

1. The requested deposition is outside the deadline of the Revised Case Management Plan as So Ordered by Magistrate Fox (hereinafter "ORDER"), which clearly states under paragraph 5 expert depositions shall be completed by June 16, 2008 and the ORDER may not be

COUNSEL:

**NOTICE OF OBJECTION & REJECTION BY PLAINTIFF
OF DEPOSITION NOTICE DATED JUNE 18, 2008
BY DEFENDANT OWENS-ILLINOIS FOR AN
ADDITIONAL DEPOSITION OF PLAINTIFF'S EXPERT**

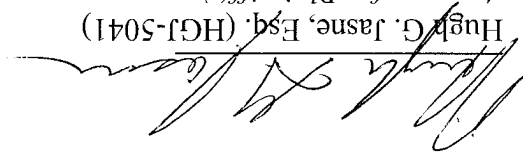
-----X
Defendant(s).
:
H.T. HEINZ COMPANY, ET AL.,
:
-against-
:
Plaintiff(s),
:
ELEANOR TEDONE,
-----X

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Hugh G. Jasne, Esq. (HGJ-5041)
Attorney for Plaintiff(s)
JASNE & FLORIO, L.L.P.
30 Glenn Street, Suite 103
White Plains, NY 10603
(914) 997-1212

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TO: CAMACHO MAURO MULHOLLAND, LLP
Attorneys for Defendant MGM MIRAGE, INC., d/b/a BORGATA HOTEL CASINO SPA
350 Fifth Avenue - Suite 5101
New York, New York 10118
(212) 947-4999


Hugh G. Jasne, Esq. (HGJ-5041)
Attorney for Plaintiff(s)
JASNE & FLORIO, L.L.P.
30 Glenn Street, Suite 103
White Plains, NY 10603
(914) 997-1212

Dated: White Plains, New York
June 24, 2008

27 at 8:45 am.

This Notice shall serve as a good faith attempt to partially frame the relevant legal issues in accord with Rule 26(c)(1) so that such may be discussed at the upcoming telephone conference June 27 at 8:45 am.

Procedure 26(b)(4)(C).

Please Take Further Notice that should the Court grant the Defendants requested deposition Plaintiff hereby demands Defendant pay all costs associated therewith in accord with Fed. R. Civ. Procedure 26(b)(4)(C).

2. In accord with Federal Rule of Civil Procedure 26(b)(2)(C)(I) as the means as requested is unreasonable, cumulative, duplicative, and can be obtained from another source that is more convenient, less burdensome, or less expensive and will cause the Plaintiff undue delay.

amended absent further Court Order at paragraph 10; and:

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BONNER KIERMAN TRESBACH & CROCIATA, LLP
Attorneys for Defendant HJ. Heinz Company
Empire State Building - Suite 3304
New York, New York 10118
(212) 268-7535
GOLDBERG SEGALLA LLP.
Attorneys for Defendant Owens
170 Hamilton Avenue, Suite 203
White Plains, New York 10601
(914) 798-5400

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ELEANOR TEDONE,

Plaintiff(s),

: 07 Civ. 4111 (WP4) (MDF)

-against-

H.J. HEINZ COMPANY, ET AL.,

Defendant(s).

-----X

AFFIDAVIT OF SERVICE

STATE OF NEW YORK

} ss.

COUNTY OF WESTCHESTER

Brian Wasserman, being duly sworn deposes and says:

a) That deponent is not a party to this action, is over 18 years of age and resides within the State of

New York.

b) That on June 24, 2008 deponent served the within: NOTICE OF OBJECTION AND REJECTION

BY PLAINTIFF OF DEPOSITION NOTICE DATED JUNE 18TH, 2008 BY DEFENDANT

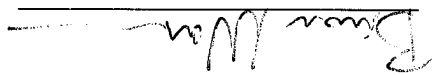
OWENS-ILLINOIS FOR AN ADDITIONAL DEPOSITION OF PLAINTIFF'S EXPERT on :

Camacho Mauro Mulholland, LLP
Empire State Building
350 Fifth Avenue - Suite 5101
New York, NY 10118

Goldberg Segalla, LLP
Brian T. Stapleton, Esq.
170 Hamilton Ave - Suite 203
White Plains, New York 10601

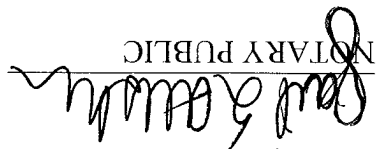
Bonner Kierman Trebach & Crociata, LLP
350 Fifth Avenue - Suite 3304
New York, NY 10118

the address designated by said attorneys for that purpose by depositing a true copy of same
enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and
custody of the FEDERAL EXPRESS within New York State.



Brian Wasserman

GAIL S. ALTSHER
Notary Public, State of New York
No. 01-AL4918374
Qualified in Westchester County
Commission Expires April 4, 2010

Sworn to before me on this
24th day of June, 2008.


NOTARY PUBLIC